

ESTABLISHED 1861

CLARKSBURG, W. VA., THURSDAY, JUNE 26, 1913.

PRICE TWO CENTS

# ARBITRARY ESPIONAGE PRONOUNCED VICIOUS BY UNITED STATES JUDGE

Attorney General is Without  
Authority to Send Inquis-  
itors into Court.

PRACTICE DANGEROUS

Even More So Than the  
Power to Disgrace and  
Defame Judges.

ST. LOUIS, Mo., June 26.—Criticism of the department of justice for "arbitrary espionage or investigation" of federal judges by means of examiners, by Judge Emory Speer, United States judge for the Southern district of Georgia, was a feature of the annual meeting of the Iowa State Bar Association, which met here today.

Judge Speer spoke with great vigor and emphasis, declaring the situation as "intolerable." He said, in part:

"More dangerous than the power to disqualify a judge is the power to disgrace and defame him. My brethren, I ask you to consider if, in the utter absence of all charges against him, is not the recently adopted method of arbitrary espionage or investigation of a judge, made by examiners, as are termed, of the department of justice, under the direct order of the attorney general, to maltreat American judges with cruel and apparently calloused indifference to their reputation and good name? I speak impersonally and with all due respect for the head of a department who is ex-officio the leader of the American bar. He is, however, also the leading counsel for the government, and no matter how considerable, how equitable in thought and language, how completely non-partisan he may be, ought any lawyer to have inquisitorial power over the judge who is to try his cases? And, least of all, should this power be exercised in the land where the independence of the judiciary is the very foundation stone of the national structure? Is it not indeed intolerable that the lawyer who is the leading counsel for the government shall have within his power and control, the right to question the honor and character, official and personal, of the judges upon whom determinations of all national jurisdiction must depend? True, the attorney general can act at any time and make any accusation he thinks proper, as can any citizen, but can he constitutionally exert the powers, detail the officials, utilize the machinery and expend the money of the government in inquisitorial examination of a judge, appointed by the president and confirmed by the Senate, and who holds his office during good behavior? Where is the constitutional right or statutory authority? Does this not commit to a lawyer on one side of a multitude of cases, the right to investigate the title to his office of the trial of appellate judge, and if this could ever be properly done should it ever be done without notice to the judge and information to him of the complaints against him? Would even the president, with all his initiative and power, attempt this, and if the attorney general has no such power, can his examiner lawfully appear at the court and officially enter upon the inquisition of a judge? And, finally, if there could ever be a shred of propriety in such action, should it ever be done when the court is in actual session and when the judge should be undisturbed in those absorbing, intense and exacting intellectual efforts and labors on which the rights of property and of liberty must depend? Who is the examiner of the department of justice?"

"I have looked in vain through the statutes to find the definition of his duties. This critic and censor of judges need not be a practitioner or even a lawyer. For many years, however, I have observed that they were restricted to examination and report on the marshal, clerk and other disbursing officers, most of whom are directly appointed by the department of justice and who, of course, should be responsive thereto. Now, however, they exercise functions infinitely graver, infinitely more dangerous to the three-fold distribution of power under the American system. The court may be in session, the calendars may be thronged with assignments, the jurors and grand jurors in attendance, the members of the bar gathered,

## STRIKE AGITATORS LEAD COAL MINERS

The examiner appears upon the scene. It is at once given out in the newspapers that he is to investigate the judge. He appears in court. He casts a critical eye upon the proceedings, and sometimes takes notes, with an air wholly insignificant. He interviews disgruntled attorneys. Sometimes when a ruling is made, he hastens to the attorney losing and suggests an error. He takes statements of stubborn debtors whom the judgments and decrees of courts have obliged, most unwillingly, to pay their debts. All the quiet nunes of the community are on the alert. The examiner, and I speak of him with great respect, even with timid deprecation, works in a mysterious way his wonder to perform. He is a person of largest consequence. He seems to hold the fate of the judge in the hollow of his hand, and as he walks to the street he reminds one of the lines:

"This air I tread, and as I step  
I feel my advanced head knock  
knock out a star in heaven."

"All the while, be it remembered, there is not a syllable of imputable censure or criticism pending against the judge where alone charges should be made, and that in the appropriate offices of the representatives of the people, to whom are committed, as well the rights of their constituents to an upright and honest judiciary and the honor and character of judges who are presumed to have done their duty."

"In the meantime, the examiner imparts to the judge no information whatever of any complaint. There is then no chance for defense, even if defense to an unauthorized inquisition by an unauthorized inquisitor was not unworthy of the judicial station. Who then can forestall the report the examiner will make? When it will be made is equally uncertain. Finally, the attorney general himself informs the public in the most public way, that no charges have been preferred, but, alas, the harm, irremedial, causeless, cruel harm is done."

"This method is very, very recent. I dare declare that no other could be more offensive to the chastity of judicial honor, no other more harmful to judicial vigor."

### ANNUAL CONVENTION.

MARTINSBURG, June 26.—The twenty-seventh annual convention of the Methodist Episcopal church, South, Sunday schools of the Baltimore conference, is in progress in Trinity church of the denomination here.

### CONCERT TONIGHT.

Gregory's band postponed its open air concert at the court house last evening until 8 o'clock this evening owing to rain. The concert will begin at 8 o'clock this evening and continue one hour.

## EXTRA TENTS DEPEND ON APPROPRIATION

War Department Ready to  
Erect Them as Soon as  
Official Word Comes.

HARRISBURG, Pa., June 26.—Erection of tents and the shipment of commissary and quartermasters' stores to take care of 10,000 veterans over and above the 40,000 originally provided for in the arrangement for entertainment of the old soldiers who will be guests of the state will not be started by the war department until the general appropriation bill carrying the \$35,000 appropriation is agreed upon.

Numerous letters and telegram have been received by the state commission from governors of states telling of additional veterans about to start and some on the way. The war department is ready to erect the tents as soon as official news of the acceptance of the appropriation bill by the two houses of the legislature can be given.

And Runners Sent Out by the  
United Mine Workers Fail  
to Turn Tide.

CHARLESTON, June 26.—Reports from Cabin creek today announce that about 1,000 miners went on strike this morning. No disorder has been reported and the men who refuse to go to work are not being molested.

Runners sent out by officials of the United Mine Workers late yesterday afternoon after it was learned that strike agitators were attempting to call a strike were unable to turn the tide and a majority of the miners at Acme and Kayford, two of the largest mines of the Cabin Creek Coal Company, refused to return today. The strike has not extended to Paint creek.

## ARGUMENTS

As to Whether to Admit Cer-  
tain Evidence in Bribery  
Case Are On.

WEBSTER SPRINGS, June 26.—Arguments on the admissibility of certain evidence in the legislative bribery case still consumes the attention of the court here.

The defense contends that it is entitled to show that Senator B. A. Smith now on trial charged with soliciting and receiving bribes was a well known Edwards supporter long before February 4 when the first vote for senator was taken. On that day Smith voted for Emmett Showalter as a compliment and the next day he voted for Edwards. The state contends that under the statute it is only necessary to show that money had been received and the vote cast.

## LOT SALE

At the Stonewall Park Held  
by C. E. Prunty is a  
Good Success.

Success crowned the Stonewall Park lot sale held Wednesday by C. E. Prunty. Fifty-five lots were sold for \$15,000. The price ranged from \$100 to \$350. The lots are 50 by 200 feet and 50 by 480 feet. Mr. Prunty has assured prospects of selling enough more lots in the immediate future to bring the number sold up to 100. The Stonewall park adjoins Norwood near the fair grounds and is very desirable property.

G. N. Smith was here from Jane Lew Thursday.

## TEN DAYS

On Road Man Gets for Be-  
ing Drunk Four Times  
in Four Days.

A foreigner who was convicted Monday, Tuesday and Wednesday mornings in police court of street drunkenness and whose name was too difficult for transliteration within a reasonable time, was in police court again this morning and was convicted of a like offense. Mayor Will H. Cole, who presided, sentenced the fellow to work ten days on the crematorium road and assured him he would be kept at work until the ten days were up.

Another fellow gave an order for a fine of \$4.00, which was imposed for street drunkenness, and was released.

## OBJECTIONS TO BOARD'S ACTION

Regarding New School at  
Northview Are Set Forth  
by Mr. Davis.

Editors of the Telegram:  
We want all the citizens who live in Northview to know why we object to the building of the school house in your town. We want you to have a good house, but object to Charlie Green and S. W. Ford rail-roading a plan through in secret session of their own.

Here are some reasons:  
The secretary of the board, who resigned with the president because they could not have a "square deal" in the open light, told me that Charlie Green actually got \$250.00 for his supervising the work of the two temporary buildings built in 1911, the first year he served as board member, besides the \$20.00 he is entitled to have as his compensation. The law says ten days compensation at \$2.00 per day is all they are allowed.

We want the board to live up to the law. They violated the law in more ways than one, as we will show later.

The people want to know why Mr. Green takes so much authority. This is his record as a board member:

Two hundred and fifty dollars for the first year as supervisor of buildings.

The attempt to vote him \$133.33 to act as supervisor of the Zeising building by motion was never recorded when the president showed him the law, but another motion to pay Mr. Ford 2 1/2 per cent more for supervisory is on the books.

Why did Green and Smith hold a secret session last summer when Mr. Jenkins was in Baltimore? They elected a supervisor with the doors shut and other people out in the hall. Why did Mr. Jenkins and Mr. Pew never see the plans and specifications for the new building, filed according to law? Something "rotten in Denmark."

Why did Charlie Green go and get the minute book and keep it for thirty days from Mr. Pew? Why does he buy seats without the board's consent, put in bath tubs in school buildings on his own action? Why did he hire and dismiss teachers without the president's knowledge, as has been done in Coal district?

Why did Green and Smith stay out all afternoon May 15 while Mr. Jenkins and Pew were in the regular place of meeting waiting for them? Both members were with Ford behind the school house and in the basement for two or three hours.

Why did Charlie Green, with the new president and others, run away from Adamston where they had been in the habit of meeting on June 17?

The people should sue out an injunction and stop the tearing down of the brick building at Northview, as it is only ten or eleven years old and cost the district about \$9,000. These four rooms are much better than several other rooms in Coal district. The board should let it stand and build twelve or fourteen rooms more, costing \$35,000 or \$40,000 and not \$80,000 or \$65,000 some places in Northview.

More truth to come which will open the eyes of the people.

Why did S. W. Ford open the bids instead of the secretary, when the president said "let the secretary open the bids"? Why did Ford say he had something to say to the board but not before all the people? Why did Ford tell Mr. Jenkins that they did most any old way in some districts? To which Mr. Jenkins said, "well, you can't do that way in Coal district."

Why do they intend to let the contract now when they did not advertise that they would reduce the cost of the bid?

With whom did Ford and the contractor file their reduction statements to come off the \$51,800 bid of Mr. Kiser?

If they had been fair Jenkins and Pew would have been on the board today.

We think the levy will be too high. Fifty-one cents was last year's building fund and it will take that or more this year. The people saw in a former letter what the tax commissioner said.

We will test the law. We have our attorneys hired already.

Yours truly,

M. O. DAVIS.

Moses Kinderberger, deputy state fire marshal, was here from Wheeling last evening on official business.

## NEW ORDER

Providing for Investigation of  
Freight Rate Increase  
Railroads Ask For.

WASHINGTON, June 26.—An amended order in lieu of that rescinded last Saturday was issued today by the Interstate Commerce Commission for an investigation into an increase of freight rates by the eastern railroads. It differs in phraseology but not in principle from that rescinded. The decision to investigate was reached by a bare majority, three of the body, commissioner Clements, McCord and Marble, dissenting. Each dissenter wrote a brief opinion holding in the main that the commission having nothing concrete before it was without authority to establish minimum rates, in connection with the issuance of the order the commission makes two observations.

"First the fact that we have decided further to investigate this subject must not be taken as an intimation that the commission has reached the conclusion that revenues are inadequate or that rates should be advanced. Upon this question no opinion has been formed. Second that the statute gives to any party the right to attack by complaint any rates and no general conclusion which the commission may reach and announce in this investigation can affect that right."

## HARNISH

Tries to Lock the Stable Door  
after the Horse Runs  
Out and Away.

(SPECIAL TO THE TELEGRAM)  
WASHINGTON, June 26.—Senator Chilton expects to pick a Parkersburg postmaster within a few days having been invited to do so by the postmaster general. The notice that postmaster Smith was to be superseded came as a surprise for while it had been known that the official conduct of Assistant Postmaster Harnish had been under consideration no intimation had been given that Postmaster Smith was under fire.

While the request to recommend a successor to Postmaster Smith was only received by Senator Chilton late yesterday afternoon, he determined at once to make the contest for the office short and to recommend a man very soon. So far as can be learned here the only applicants for the office are Simms Powell, Samuel McConaughy and Oscar Jenkins. It is expected there will be other applications.

Henry Harnish is here trying to get his case reopened and is being assisted by Senator Goff but there is little likelihood that he will succeed.

### PICTURE MACHINES

Arrive for Use in the New Orpheum  
Theater in the City.

Two complete moving picture machines have been received from New York by Jack Marks, proprietor of the Star theater, for use in the new Orpheum theater on the Frank R. Moore property at the corner of West Pike and South Fourth streets, which will open July 25. The machines are the most complete made in the world. Mr. Marks has also received a large electric sign having 220 lights, which will be swung across the pavement and may be seen from both sides of the sign.

### BUY CARS.

M. D. Stuart has purchased a Firestone automobile from the Columbus Buggy Company, the same make that Louis Payne so successfully demonstrated here a year or two ago. It is a five-passenger car and has a Greer and Davis starter and a Continental motor. W. B. Maxwell and Dr. Arnett have purchased five-passenger Lexington cars of Marsh Cannon.

### STATE CONVENTION.

TERRA ALTA, June 26.—The annual state convention of the Young Men's Christian Association of West Virginia will open here Friday and will continue until Monday. A large attendance is expected.

## BANKER VANCE'S DEATH IS SUDDEN

### AGED CITIZEN

Residing Near the Town of  
Bridgeport is a Victim  
of Paralysis.

BRIDGEPORT, June 26.—William Higginbotham, aged 70, a highly respected citizen residing near here, died at his home at 5 o'clock Wednesday afternoon after a short illness of paralysis. He was an excellent man and was prepared to meet death. He is survived by a sister, Mrs. M. L. Lowe, of Sullivan, Ill., and the following nieces and nephews:

Mrs. Hood Horner, of Lumberport; Mrs. Ralph Johnson, Miss Willa Lowe, Orval Lowe, Seymour Lowe and Mrs. Walter Hursey, of Shinnston; Frank Lowe, of Monongah; Lloyd Lowe, of Huntington; Omar Lowe, of Sullivan, Ill.; George Lowe, of Windsor, Ill.; and Mrs. William Eden, of Chicago. The funeral will be held at his late residence at 10 o'clock Friday morning and burial will be in the Masonic cemetery. The Rev. C. W. Stephan, pastor of the Methodist Episcopal church, will conduct the services.

### LARGE CROWD

Attends Funeral of Robert S. Koon in  
Adamston United Brethren Church.

A large crowd of sorrowing friends paid tribute to the memory of Robert S. Koon, the railroad brakeman who was killed Tuesday at Lumberport, when his funeral was held at 10 o'clock Thursday morning in the United Brethren church at Adamston. The church was crowded. The Rev. Mr. Hanletter read the church service and the Knights of Pythias lodge, of which Mr. Koon was a member, conducted the lodge funeral service. Burial followed in the Green Lawn cemetery.

### INJURIES FATAL.

MARTINSBURG, June 26.—Walter E. Laidlaw, an employee of the Baltimore and Ohio railroad shops here, is dead of injuries recently received when he fell off a moving train and with great efforts prevented himself from rolling under the wheels.

### VOTING TODAY.

An election is being held today in Grant district to decide the question of erecting a high school building at Lost Creek to cost between \$8,000 and \$9,000. Sixty per cent of the vote cast is necessary to carry the question.

### TO BRING BRIDE HOME.

Bunker Pullum, well known teamster, expects to put one over on Clarksburg people by bringing a bride home from Mannington the evening of July 4. As none of his friends know anything about his intention, the surprise to them will probably be complete.

### MARRIAGE LICENSES.

Marriage licenses have been issued to Arthur V. Riddle and Pearl Martin and David B. Carper and Grace Lee Duncan.

## MINISTERS' LICENSES BY THE CONFERENCE

Renewed to a Number and Is-  
sued to Three for the  
First Time.

The program for the third and final day of the meetings of the Buckhannon District Conference which are being held at the Ash Chapel Methodist Episcopal church here is being carried out today with all numbers on the program being given.

The day's program was opened with devotions at 8:15 o'clock followed at 8:30 o'clock by disciplinary business. At this session which lasted until 10 o'clock the licenses of ministers were renewed and three new licenses issued. The ministers having licenses renewed were: J. W. Fithian and J. W. Gerard, Adamston; T. H. Howell, Burnsville; Peter Burdick, Roy Casto, J. E. M. F. Pritchard, New Martinsville; Halterman and J. F. Whitten, all of Buckhannon; J. B. McConnaughy and A. Reese, of Ash Chapel; George Hamner, of Camden; W. E. Boone, W. Fisher, of Cassaway, and Harry of Duff; H. A. Baxter, of Flatwoods; Byrner, of Philippi.

Falls Dead at His Residence  
in the City of Wheel-  
ing Today.

PROMINENT IN STATE

Well Known as a Charitable  
and Church Worker  
All His Life.

WHEELING, June 26.—J. N. Vance, one of the wealthiest men in West Virginia, fell dead at his residence here this morning. Mr. Vance, who was 55 years old, was a prominent banker and closely identified with a number of Wheeling manufacturing concerns. He was well known through the state, both as a charitable and church worker and was one of the most philanthropic men known.

An \$80,000 addition to the Vance memorial Presbyterian church here, donated by Mr. Vance, is under course of construction. He had been a resident of Wheeling for almost fifty years and had been in business the greater part of that time.

## FUNERAL

Over Body of Frank McDon-  
nell, of Flemington, Will  
Be Held Here.

Funeral services over the body of Frank McDonnell, aged 33 years, who died at the home of his sister at Wolf Summit Wednesday afternoon will be held at the church of the Immaculate Conception here Friday morning and burial will be in the Holy Cross cemetery.

The deceased man was employed by the Baltimore and Ohio railroad as a brakeman and was at his work yesterday when he became sick and was removed from the train at Wolf Summit and taken to the home of his sister, where he died several hours later.

Mr. McDonnell was a son of John McDonnell, a well known coal man of Flemington, and was well known here. He has a large number of relatives and friends in this city who were shocked to hear of his death. Acute indigestion was given as the cause of his death.

### FUNERAL FRIDAY.

Pearl Elizabeth Carroll, fifteen-months-old daughter of Mr. and Mrs. M. Carroll, of Northview, is dead at their home after a few days' illness of cholera infantum. The funeral services will be held at the home at 9 o'clock Friday morning and the burial will be in the Elkview cemetery. The child died Thursday morning.

### BODY SENT HOME.

The body of Patrick Keane, the man who was struck by a fast train in the end of the local railroad yards Tuesday night and died shortly afterwards in a local hospital was sent to his home at Scranton, Pa., Thursday morning. The funeral services will be held at the home of his brother there Friday morning.